

## **DETAILED ACTION**

### ***Brief for Appellant***

The compliant reply brief filed 6/27/07 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

### ***Requirements for Examiner's Answer***

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

***Evidence Relied Upon. (A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of patent references, the relevant page or pages)***

It is noted that while the Examiner's Answer mailed May 3, 2006, states that "[t]he examiner in the rejection of the claims under appeal relies upon no evidence" [page 3 under the caption "Evidence Relied Upon"].

This statement is incorrect.

The claim rejection is listed on page 4 as follows:

Claims 1-3, 5 and 7 stand rejected under 35 U.S.C. 102(e) as being anticipated by Naya et al.

The evidence relied upon is :

Naya et al. 12/24/2002 US 6497996

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILL FRIDIE JR whose telephone number is (571)272-4476. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ASHLEY BOYER can be reached on 571 272 4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/957,011

Page 4

Art Unit: 3724

/Willmon Fridie/

Primary Examiner, Art Unit 3724